

Appl. No. : 10/678,050  
Filed : October 1, 2003

## REMARKS

Claims 25-30 stand rejected. Claims 20-24 stand withdrawn. By this paper Claim 25 has been amended. Support for the amendments can be found at paragraph 50 of the specification as originally filed. No new matter has been introduced by these amendments. Thus, Claims 25-30 are presented for reconsideration. Applicant respectfully requests entry of the amendments and the following remarks.

### Rejection of Claims 25-30 under 35 U.S.C. § 112, second paragraph

The Examiner has objected to Claims 25-30 for lacking antecedent basis for the term “the fixed weight” in Claim 25. Claim 25 has been amended to recite “the main weight.”

Claims 26-30 depend from Claim 25. Thus, Applicant respectfully requests that the rejection of Claims 25-30 for indefiniteness be withdrawn.

### Rejection of Claims 25-30 under 35 U.S.C. § 102(e) under Tyler

The Examiner has rejected Claims 25-30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,569,025 (Tyler). Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P § 2131.

Tyler discloses a bowling ball having an internal weight which is threadably mounted on an internal shaft (column 4, lines 15-16 and 48-49). The outer spherical portion of the ball is formed either by a pair of hemispheres (Figure 1, parts 20 and 22) or by a central ring (Figure 11, part 84) with a pair of end caps (Figure 11, parts 80 and 82).

In contrast, amended Claim 25 recites, *inter alia*, “an outer body member fixedly coupled to the main weight, wherein the outer body member and the main weight are rotatable relative to the wheel so that the outer body member can swing relative to the wheel.”

The Examiner asserts that the bowling ball sphere (Figure 11, part 18a) corresponds to the “wheel” recited in Claim 25. The Examiner next asserts that the end cap (Figure 11, part 80) corresponds to the “upper portion” (now outer body member). Applicant submits that the end caps 80, 82 as well as the central ring 84 in Tyler merely form parts of the bowling ball sphere in the patented device (column 5, lines 44-47). Furthermore, the end caps 80, 82 and the central

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ring 84 are not rotatable relative to the bowling ball sphere 18a. An embodiment of a mobile toy vehicle having a body 102 that is rotatable relative to a wheel 104 is illustrated in Figures 8A through 8F and described in part at paragraphs 46-47. Thus, Applicant respectfully submits that the “outer body member” element recited in Claim 25 is not disclosed in Tyler. Thus, Tyler does not describe each and every element of Claim 25. Accordingly, Applicant respectfully submits that the rejection of independent Claim 25 has been overcome.

Claims 26-30 depend directly or indirectly from Claim 25 and, thus, are patentable for at least the same reasons that the claim from which they depend is patentable over the applied art. Therefore, allowance of Claims 25-30 is respectfully requested.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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